



**US Army Corps
of Engineers®
Albuquerque District**

PUBLIC NOTICE

Permit Application No.: 2009-00426-SCO
Project Name: Mill Creek Diversion
Applicant: Rio Grande National Forest
Waterway: Mill Creek
Public Notice Date: August 21, 2009
Comment Due Date: September 5, 2009
CE Contact Phone: (970) 375-6235

Reply To:

Durango Regulatory Office
US Army Corps of Engineers, Albuquerque District
799 East 3rd Street, Unit #2
Durango, CO 81303

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above comment due date. The application is for a permit to place/discharge dredged and/or fill material in Mill Creek near South Fork, Rio Grande County, Colorado. The project will include construction of a diversion structure to augment the water supply to Million Reservoir. Approximately .004 acres of waters of the U.S. will be filled with grouted rip rap and metal sheet piling. Details of the proposed project are provided below.

Name of Applicant: Phil Reinholtz
Rio Grande National Forest
Divide Ranger District
13308 West Highway 160
Del Norte, Colorado 81132

Location: The project is located near Million Reservoir in Mill Creek near South Fork, Rio Grande County, Colorado, Section 16, Township 39N, Range 3E (37° 37' 18.97" N Latitude, -106° 40' 08.49" W Longitude).

Description of Work: A temporary diversion structure will be replaced with a permanent structure. The existing structure consists of a diversion curtain (tarp) and rip rap. This system has experienced repeated failure and maintenance following the Million Fire (2002), which burned much of the watershed and resulted in debris flows and downcutting in Mill Creek. The new structure will consist of sheet piling, rip rap and grouted rip rap. The approximate dimensions of the structure will be 3 feet wide by 24 feet. Most of the structure will be constructed below substrate. One 8-foot-wide opening in the structure will

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accommodate check boards and another 4-foot-wide opening will be used to direct water to Million Reservoir. The total area of fill in waters of the U.S. is .004 acres. Work is expected to begin in October, 2009, during low flow and be completed within one month.

Purpose and Need: The stated purpose of the project is to allow better control of flow to the reservoir for management of recreational fish populations.

Related Work: Modifications will also be made to the downstream man-made diversion channel, which is not a regulated activity.

Mitigation: Potential impacts to wetlands have been avoided and minimized to the maximum extent practicable. This includes a requirement to maintain minimum flows in Mill Creek. At no time would the structure be used to divert all water from the creek. The Corps has determined that compensatory mitigation is not required.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Mr. Hildreth Cooper
U.S. Army Corps of Engineers
Durango Regulatory Office
799 East Third Street, Unit #2
Durango, CO 81303
970-375-6235
Fax No. 970-375-9531
E-mail: hildreth.l.cooper@usace.army.mil

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Consultation with the Colorado State Historic Preservation Office (SHPO) has not revealed any pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the Colorado Department of Public Health and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office, at the address given above.

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Comment: Any comments concerning this project should be received by the District Engineer no later than September 4, 2009. Please note that this is a 15-day comment period; however, if requested, the Corps will provide the full 30 days for comments to be submitted. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

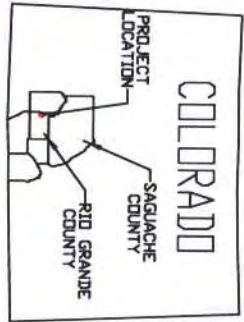
Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Kimberly M. Colloton
Lieutenant Colonel, U.S. Army
District Commander

Enclosure

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PROJECT LOCATION
RIO GRANDE COUNTY
Section 16, T39N, R3E



OWNERS STATEMENT
THIS PLAN HAS BEEN DISCUSSED WITH ME AND
I AM IN AGREEMENT WITH THE CALCULATIONS
AND DESIGN
USFS _____ DATE _____

UNITED STATES FOREST SERVICE PLANS FOR THE CONSTRUCTION OF STEEL/CONCRETE CHECK STRUCTURE RIO GRANDE COUNTY, COLORADO ENGINEERING JOB CLASS IV



INDEX OF DRAWINGS

- | SH NO. | TITLE |
|--------|---------------------------------|
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| 1. | TABLE OF QUANTITIES |
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| 8. | STRUCTURE DETAILS |

UTILITIES STATEMENT

I realize that as a landowner, I and/or the contractor I hire, may be liable for any damage to utilities during construction. NCS makes no representation that utilities shown on the plans are exactly located or that all utilities present are shown.

I will provide NCS with the Utility Notification Center of Colorado (UNCC) ticket number my contractor has acquired prior to start of construction.

LAND OWNER OR AGENT _____

DATE _____

UNCC TICKET NUMBER _____

CALL UTILITY NOTIFICATION CENTER OF COLORADO @ 1-800-922-1987. CALL TWO (2) BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

TABLE OF QUANTITIES

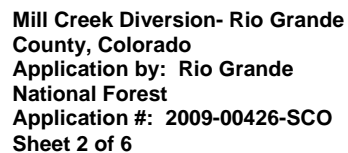
ITEM	UNIT	QUANTITY
Sheet Metal Piling - minimum 10 gauge	Pounds	945
2-1/2 x 2-1/2 x 1/4 Angle Iron	Pounds	99
C 5 x 12 Channel Iron	Pounds	99
V 3 x 15 Channel Iron	Pounds	221
Filter Cloth Material	Sq Ft	297
Grouted Rock Rip Rap	Cu Yds	5
Removal of First Head Gate	Each	1
Removal of Second Head Gate	Each	1
Removal of Earthen Berm	Cu Yds	218

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UNITED STATES FOREST SERVICE
COVER SHEET - FY 2009 CTA
Rio Grande County, Colorado

Designed :	L. Clark	06/30/09
Drawn :	L. Clark	06/30/09
Checked :		
Approved:		

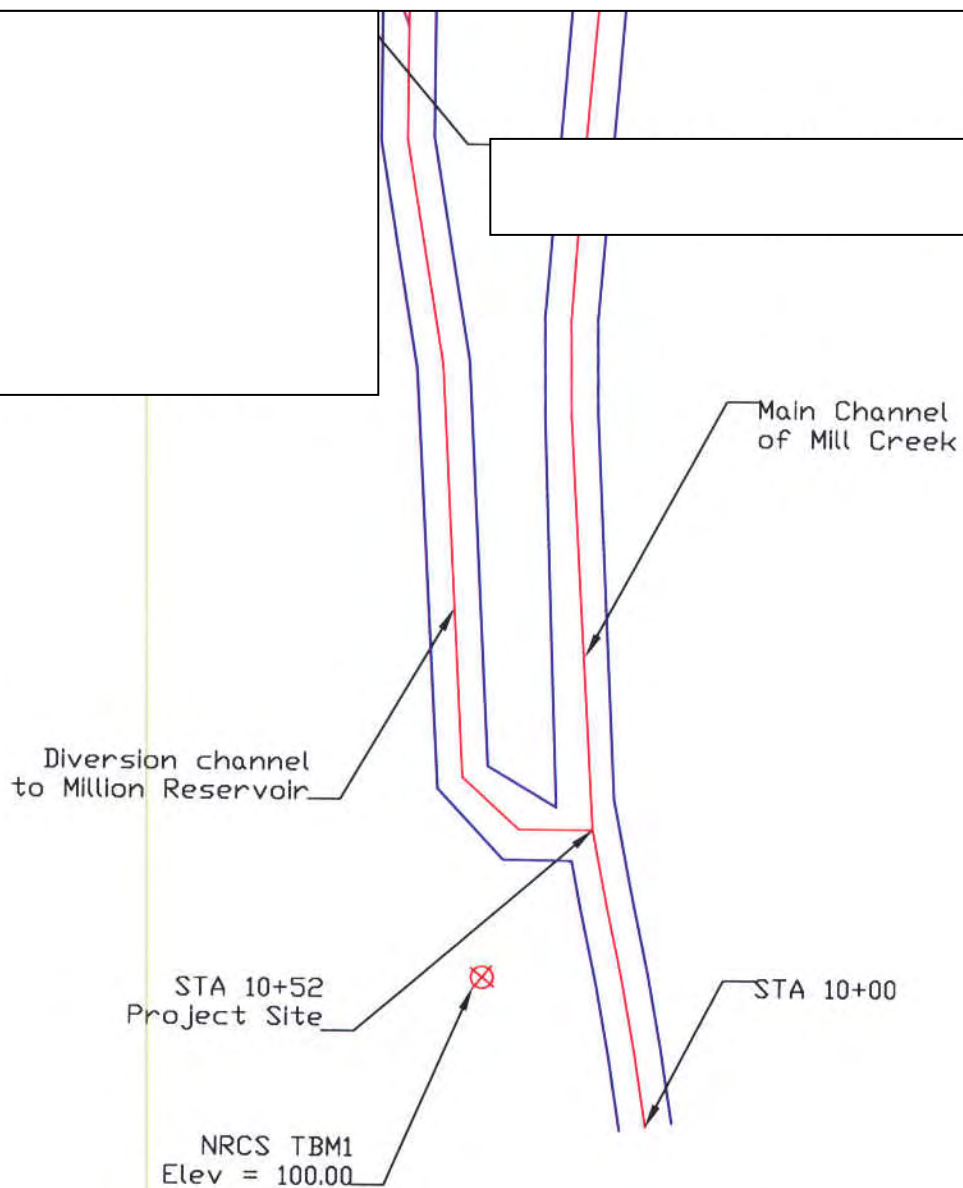
1. Construction shall not begin prior to signature of plans by the USFS and UNCC concurrence
2. All proposed work shall be staked in the field by an NRCS engineer prior to construction.
3. Changes shall not be made unless authorized by the appropriate NRCS personnel.



UNITED STATES FOREST SERVICE
AERIAL PHOTOGRAPHY – FY09 CTA
Rio Grande County, Colorado

		Date
Designed :	<u>L. Clark</u>	<u>06/30/09</u>
Drawn :	<u>L. Clark</u>	<u>06/30/09</u>
Checked :	_____	_____
Approved:	_____	_____

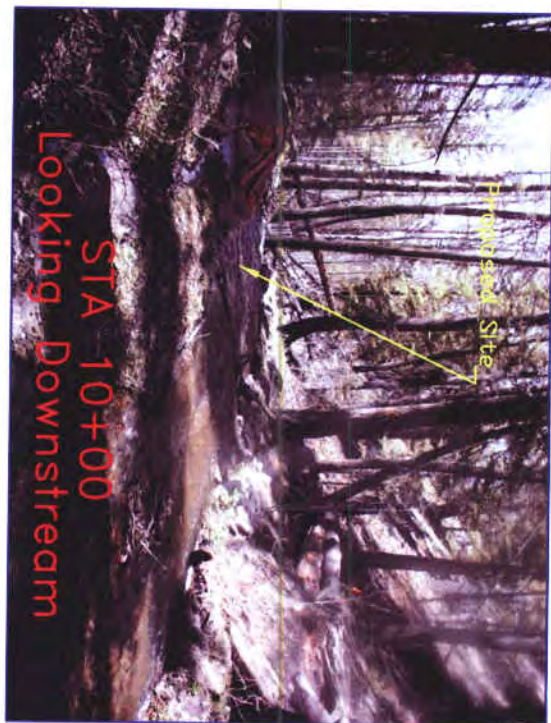
STA 12+95 End of Project



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PROJECT PLAN VIEW - FY09 CTA
Rio Grande County, Colorado

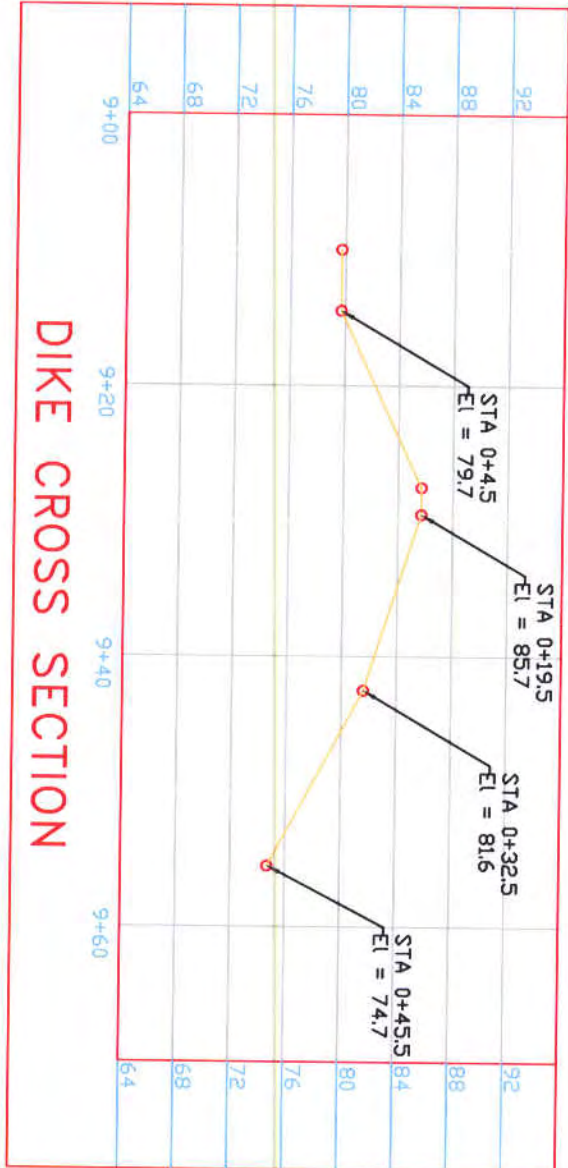
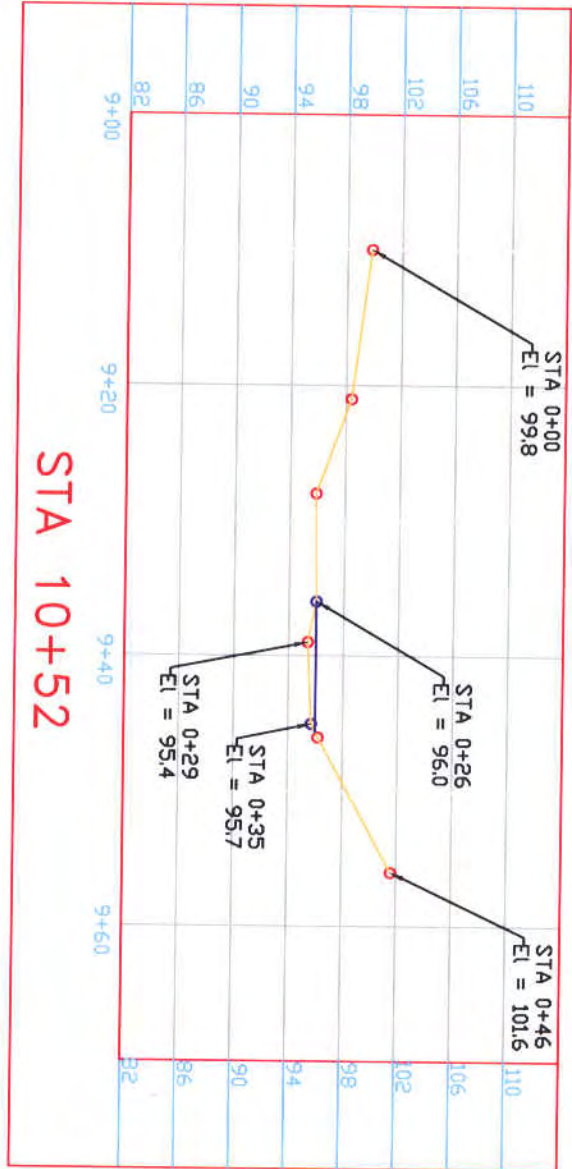
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Approved: _____	_____



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PROJECT PHOTOS © PROP. CHECK
Rio Grande County, Colorado

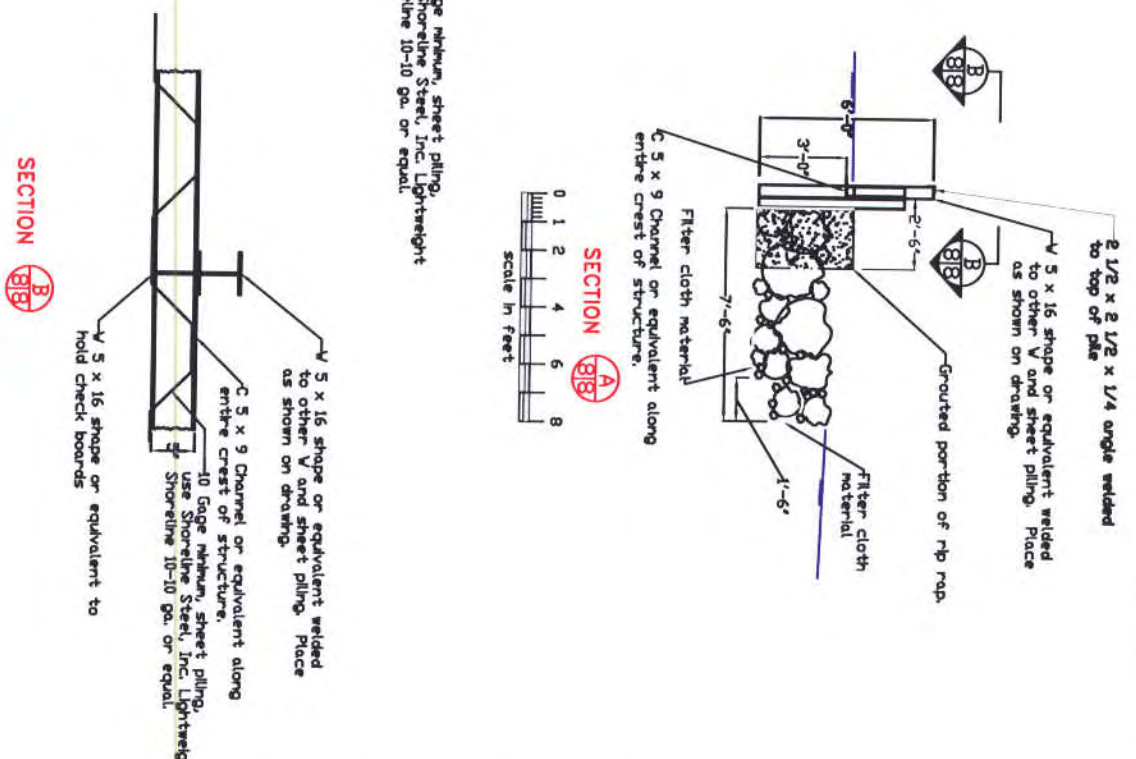
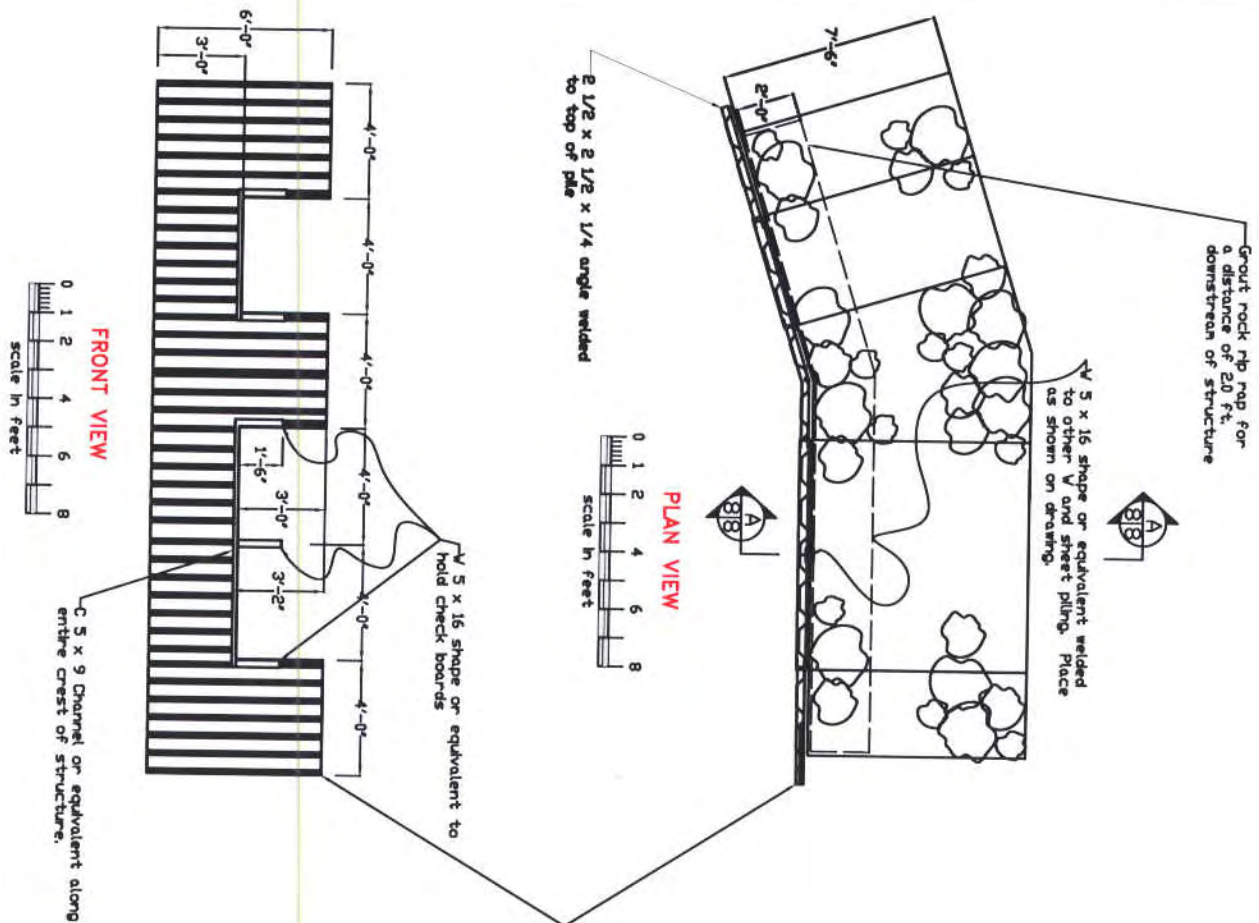
	Date
Designed: L. Clark	06/30/09
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Checked: _____	_____
Approved: _____	_____



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UNITED STATES FOREST SERVICE
PROJECT X-SECTIONS - FY09 CTA
Rio Grande County, Colorado

	Date
Designed: L. Clark	06/30/09
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Checked:	
Approved:	



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UNITED STATES FOREST SERVICE
STRUCTURE DETAILS - FY09 CTA
Rio Grande County, Colorado

Date
Designed : L. Clark 06/30/09
Drawn : L. Clark 06/30/09
Checked :
Approved :